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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/016,468

12/10/2001

Kenneth J. Greves

GREV / 03

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11/05/2003

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EXAMINER

ALLEN, DENISE S

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/016,468

Applicant(s)

GREVES, KENNETH J.

Examiner

Denise S Allen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-22 and 24-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,22 and 24-41 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☒ Claim(s) 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

In light of the Applicant's amendment to the specification on August 19, 2003 (paper #6), the objection to the specification in the Office Action on January 17, 2003 (paper #4) has been withdrawn.

In light of the Applicant's amendment to claim 14 on August 19, 2003 (paper #6), the objection to claims 14 – 16 and 18 in the Office Action on January 17, 2003 (paper #4) has been withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3 – 22, and 24 – 41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Blauer et al (US 5,588,154).

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Regarding claim 1, Blauer et al teaches an apparatus (Figures 3 and 4), comprising: a structure (reference 48) having first and second opposite sides (left and right sides) and being adapted to fit within a pocket (reference 40) of a user, wherein said first and second sides are reflective (column 2 lines 8 – 18).

Regarding claim 3, Blauer et al teaches the structure is adapted to fit within a shirt pocket of a user (Figures 7 and 9).

Regarding claim 4, Blauer et al teaches the structure is adapted to fit within a pants pocket of a user (Figures 15 and 16).

Regarding claim 5, Blauer et al teaches the structure is adapted to protrude out of the pocket when seated in the pocket of the user (Figures 9 and 16).

Regarding claim 6, Blauer et al teaches the structure is substantially oblong (Figure 9 reference 104).

Regarding claim 7, Blauer et al teaches the structure is substantially planar (Figure 4 reference 48).

Regarding claim 8, Blauer et al teaches the structure is substantially rectangular (Figure 10 reference 108).

Regarding claim 9, Blauer et al teaches the structure is 13 inches long, times 2.5 inches wide (column 8 lines 20 – 37).

Regarding claim 10, Blauer et al teaches the structure is 0.25 inches thick (column 3 lines 51 – 53).

Regarding claims 11 – 13, Blauer et al teaches the structure is manufactured from reflective material (column 2 lines 8 – 18).

*Allowable Subject Matter*

Claims 14 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21, 22, and 24 – 41 are allowed.

Claims 14 – 16, 18, and 21 are allowable over the prior art for at least the reason the prior art fails to teach and/or suggest the structure including at least one recessed area as set forth in the claimed combination.

Claim 17 is allowable over the prior art for at least the reason the prior art fails to teach and/or suggest the structure includes at least one aperture as set forth in the claimed combination.

Claims 19 and 20 are allowable over the prior art for at least the reason the prior art fails to teach and/or suggest the structure includes radiused corners as set forth in the claimed combination.

Claims 22 and 24 – 41 are allowable over the prior art for at least the reason the prior art fails to teach and/or suggest a method for signaling the presence of a user including the step of inserting a structure into a pocket without regard to which side or end protrudes from the pocket as set forth in the claimed combination.

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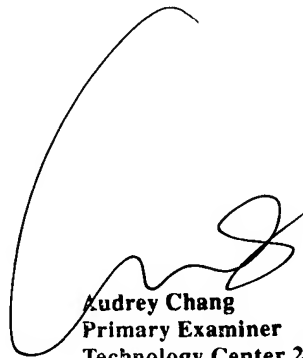
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise S Allen whose telephone number is (703) 305-7407. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Denise S Allen  
Examiner  
Art Unit 2872

  
dsa  
Audrey Chang  
Primary Examiner  
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